

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SCOTT CHARNEY, DIVA COODFRIEND-KOVEN, ROBERT REACH, TONI ALLEN, SCOTT EDVABSKY, ANTHONY AND BARBARA COSARO, GARY ZACCARO, BRUCE LICHTENSTEIN, ROBERT ANARUMO, KAREN FUSCO, BONNIE AND WAYNE VARTABEDIAN, GEORGE YU, CONNIE SIMONS, LAURA FLAX, JAY COON, NEIL BLITZ, MARNI BLITZ, JOSEPH LEVINE, NINA CHAIFETZ, ED HARAN, ANNE HARAN, KATHY PASHUCK, BRUCE FULLER, TRACEY PECK, JEFF PECK, ELIZABETH TYMCZYSZYN, and GATA REALTY, LLC,

Plaintiff,

- against -

CARLA ZIMBALIST, PAM CHANLA, JENNIFER S. WILKOV, EVOLUTIONARY STRATEGIC PLANNING, INC., and AMERIPRISE FINANCIAL, INC.,

Defendants.

07 Civ. 6272 (AKH)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of the Motion to Dismiss and Declaration of Alison B. Cohen, Esq. with exhibits, Defendant Ameriprise Financial, Inc. (“Ameriprise”), through its undersigned counsel, shall move this Court, for an Order, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint as to Ameriprise or, in the alternative, staying the above-captioned action as to seventeen of the plaintiffs who have binding agreements with Ameriprise to arbitrate the matters raised in the Complaint.

Dated: New York, New York
December 20, 2007

NIXON PEABODY LLP

By: /S/ Alison B. Cohen

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